

REMARKS/ARGUMENTS

Claim 1 has been amended in a sincere attempt to place the case in condition for allowance. The claims before the Examiner for consideration remain Claims 1 to 7.

All claims were rejected under the second paragraph of 35 U.S.C. § 112 as indefinite, the Examiner stating that the term “layers” in line 9 made the claims indefinite because only one layer was said to be claimed inside the barrier layer. Claim 1 has been amended to state that the thickness Y1 is a distance from the inner surface of the container body to the barrier layer. This configuration is clearly shown in the working examples which have, in addition to an inner layer of high density polyethylene, a Tie (adhesive) layer. The values appearing in the working examples and in Tables 1 to 3 (see pages 62-64) showing ratios of Y1 to Y are consistent with the Y1 definition in the claims as amended. For instance, in Example 1 the high density polyethylene layer has a thickness of 460 μm and the Tie (adhesive) layer has a thickness of 20 μm giving a total thickness of 480 μm . The total film thickness is 1,000 μm meaning that the ratio of Y1 to Y is 48 to 100. The other working and comparative examples in Tables 1 to 3 also use this convention and the rejection should be withdrawn. If after consideration of the change to Claim 1 and the explanation therefor, the Examiner believes that other language is more appropriate, he is asked to contact the undersigned.

The opportunity has been taken to correct minor typographical errors in Claims 1 and 4.

The Examiner is thanked for acknowledging receipt of a certified copy of the priority document and for listing references submitted with Information Disclosure Statements.

In view of the foregoing revisions and remarks, it is respectfully submitted that the application is in immediate condition for allowance and a USPTO paper to those ends is earnestly solicited. The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Charles A. Wendel', is written over a horizontal line.

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